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The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Bellsouth Government Systems, Inc.

**File:** B-231822.3

**Date:** March 28, 1989

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### DIGEST

Protest that awardee's equipment fails to technically conform to solicitation's specifications is denied where agency demonstrates that it reasonably determined that awardee's proposed equipment and approach conformed to the terms of the solicitation.

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### DECISION

Bellsouth Government Systems, Inc., protests the award of a contract to Contel Federal Systems Inc., under request for proposals (RFP) No. F11624-88-R-0003 issued by the Department of the Air Force for a basic telecommunications system for Whiteman Air Force Base, Missouri. It further solicits certain equipment with prices if the base needs expansion beyond the basic system. The protester argues that the system offered by Contel does not technically conform to the material requirements of the solicitation.

We deny the protest.

The RFP was issued on February 26, 1988, and technical proposals were due on May 6. The statement of work required the contractor to engineer, design, furnish, install, test, and maintain a new integrated voice and data telecommunication system for Whiteman Air Force Base. The system was to be equipped with 3,946 lines at cutover to the new system expandable to 8,000 lines and also be capable of terminating 107 trunks, at cutover, expandable to 236 trunks. The RFP also essentially required that the system have the capability to add a remote switching system (RSS), compatible with the basic system, with expansion capacity to 2,000 lines. The RSS was an expansion item, not required under the basic system. The RFP further required the installation and completion of a fully operational telecommunications system within 10 months after contract award. The contractor was also to provide follow-on configuration management.

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The RFP provided that award would be made to the lowest priced, technically acceptable, responsible offeror. In addition to price, which was to be evaluated on a life-cycle cost basis, the RFP also listed technical-management factors to be evaluated including adequacy of response, equipment and material, installation maintenance, personnel and experience.

The agency received eight proposals and all but two were determined to be technically acceptable and included in the competitive range. Of the six proposals included in the competitive range, Contel submitted the lowest price. Contel's present life-cycle evaluated cost was \$10,368,449 versus \$14,775,469 for Bellsouth. Contel proposed a system utilizing a single Northern Telecom, Inc. (NTI), Meridian SL-1XT (SL-1) switch. Its proposal took no exception to any of the work statement for either the basic system or expansion capabilities, and the Air Force initially had no basis to question Contel's proposed approach for meeting the solicitation requirements. However, Bellsouth had raised questions concerning Contel's ability to meet certain requirements of the RFP with the switch it proposed. The agency sought clarification from Contel concerning its proposed equipment, again reviewed all technical documentation submitted by Contel and hired an independent consulting firm to determine if Contel's proposed switch could meet all performance criteria at the maximum expansion capacity specified in the solicitation. After reviewing all documentation including the consultant report which concluded that Contel's proposed switch met all RFP material requirements, the agency determined that Contel would deliver a telecommunication system which complies with the RFP requirements. Consequently, award was made to Contel on November 8, 1988.

Bellsouth contends that the single switch offered by Contel fails to conform to the technical specifications contained in the RFP in three respects.<sup>1/</sup> Specifically, Bellsouth first contends that the single SL-1 switch without a remote switching system cannot satisfy the RFP requirement that the switch under the basic system operate telephones at all base

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<sup>1/</sup> Bellsouth in its protest also argued that if Contel proposed to utilize a multiple SL-1 switch manufactured by Northern Telecom, Inc., the system could not meet certain other requirements of the RFP. However, since Contel in fact proposed a single switch, we will only discuss the specifications Bellsouth alleges cannot be met with a single switch.

locations because it cannot serve both the main buildings and the weapons storage facility which is located significantly apart from the main buildings. Second, Bellsouth argues that a single SL-1 switch with a remote fails to meet the mandatory traffic volume requirements of the RFP. Lastly, Bellsouth contends that a single SL-1 switch with a remote does not satisfy the RFP's requirement that any remote proposed must operate by itself in the event the host, or basic system switch is disabled.<sup>2/</sup> We will address each of these allegations separately below.

Initially, we note that in reviewing an agency's technical evaluation, our Office will not independently determine the relative merit of an offeror's technical proposal, but will only examine the agency's evaluation to insure that it had a reasonable basis. See Martin Advertising Agency, Inc., B-225347, Mar. 13, 1987, 87-1 CPD ¶ 285.

First, Bellsouth asserts that the NTI single switch proposed by Contel cannot operate telephones at the weapons storage facility and thus cannot serve the entire base as required by the RFP. Bellsouth states that, according to SL-1 specifications published by NTI and other information provided by NTI, the single SL-1 switch, without use of an RSS or other communications device or switch can only operate telephones that are located within 3,500 cable feet (in the case of digital instruments) or 8,000 cable feet (in the case of multiline voice instruments) of the switch. Since the weapons storage facility is located approximately 34,000 feet (6 miles) away from the main buildings on the base, Bellsouth concludes that the Contel proposal cannot meet the RFP requirement that the basic telecommunications system provide for the approximately 300 telephone lines at that facility.

Contel agrees that the SL-1 switch can only support multiline voice telephones located 8,000 cable feet away and digital telephones 3,000 cable feet away. However, Contel points out that it proposed to utilize equipment from a manufacturer other than NTI to extend the range of the SL-1 switch to 62,000 cable feet which would allow the SL-1

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<sup>2/</sup> Bellsouth also alleges that a single SL-1 switch with another communication device, such as a key system, also does not satisfy the mandatory specifications of the RFP. Since Contel did not propose a key system we will not address this issue.

switch to serve the entire base.<sup>3/</sup> The Air Force reports that it evaluated Contel's solution and determined that Contel's design will allow placement and operation of any type of station terminal equipment including single and multiline voice and digital instruments in any building on the base as required by the RFP. The consultant's independent technical evaluation concluded that the NTI equipment with certain modifications could meet the RFP performance requirements.

In our opinion, based on the record, the Air Force reasonably concluded that Contel's proposed enhanced system could successfully operate in any building on the base. While, as previously indicated, Contel does not dispute that the unmodified switch would not permit service to the weapons facility, it proposed to extend the switch's distance capability using other equipment, thus modifying the basic SL-1 equipment to extend its range. The proposed equipment has been analyzed by the Air Force and an independent consultant and found technically acceptable. Bellsouth which is not privy to Contel's proposed solution, argues that Contel's proposal to modify the switch to extend its geographical coverage is not valid because NTI has verbally advised it that "no custom modifications" can extend the switch's range to 34,000 feet. However, letters from NTI submitted by Bellsouth indicate that NTI's own specifications are not absolute as to the product's capability and that modifications to NTI equipment can be made. For example, with regard to SL-1 capabilities, NTI indicates that,

"[W]hile we have documented specifications and capabilities, they should not be viewed as cut and dry specs, or absolute. We have had minor situations where our products would perform a specific function that was not identified in our documentation. However, should someone modify our software or apply some type of 'black box' [to the SL-1], . . . we would be concerned . . . if it caused an operational performance problem."

Thus, NTI itself recognizes that modifications can be made. The record also shows that the agency and an independent consultant found Contel's proposal acceptable. Thus, we view Bellsouth's disagreement with the Air Force's conclusion that Contel's approach that enhances the SL-1's

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<sup>3/</sup> The exact nature of Contel's solution to the distance limitation of the SL-1 switch is considered proprietary by Contel.

capability beyond NTI published information is technically acceptable and in compliance with the specifications, does not provide a legal basis for us to object to the award decision.

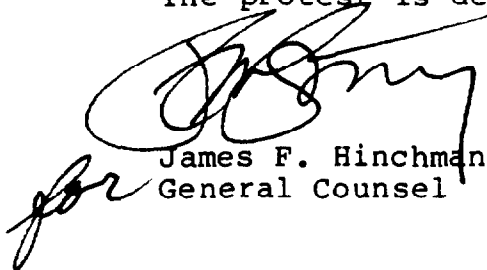
Second, Bellsouth alleges that a single switch cannot satisfy the overall traffic requirements of the RFP. Bellsouth specifically contends that a SL-1 switch cannot handle the required 10,236 lines and trunks (the basic requirement of 8,000 lines and 236 trunks at cutover plus the additional requirement for 2,000 lines connected to the switch through the use of a RSS).

Initially, we note that for the basic requirement of 8,000 lines and 236 trunks at cutover, Contel proposed a single switch without remote and proposed a remote switch for expanded services only. This offer was, consistent with the RFP requirements, conditional on future needs, and not part of the basic system. The record indicates that the agency reviewed Contel's specific solution with respect to the traffic requirements and determined that Contel's proposed system will meet or exceed the RFP requirements and will maintain the required grade of service up to the ultimate system expansion for the life of the contract. The record also shows that the proposed solution, including a second switch for expansion purposes, was explained to the Air Force in a briefing in which NTI representatives participated and that the NTI personnel concurred in the solution. Furthermore, the independent technical report again concluded that the proposed basic switch "meets or exceeds the requirements of the Air Force under this RFP." While Bellsouth maintains that the basic SL-1 switch cannot meet RFP requirements there is no evidence in the record that the Contel proposal will not fulfill the traffic requirements.

Third, Bellsouth alleges that a single SL-1 switch with a remote will not satisfy the RFP's requirement for a remote that can operate by itself in emergencies. Bellsouth asserts that NTI, the manufacturer of the SL-1 switch, states that the SL-1 remote does not provide emergency switching as required by the RFP. The RFP specifically requires that any remote facility proposed must "provide emergency switching in the event that all span lines connected to the host switching system are disabled." Bellsouth contends that the only remote switching system that can be used with an SL-1 switch is the MSL-1 RPE and any other remote does not comply with the RFP. Consequently, Bellsouth argues that Contel cannot provide emergency switching using the NTI remote.

The RFP does not require the use of any specific remote for the basic system, only that in the event a remote is needed to provide expanded service, that remote should be capable of providing emergency switching. The record shows that Contel has proposed a remote that is different from the MSL-1 RPE. The Air Force has evaluated this remote and concluded that in the event an RSS is purchased for expanded services and the connection between the remote and host switch is disabled, it will be able to perform emergency operations as required by the RFP. The Air Force found the Contel response feasible and acceptable. The Contel solution was also supported by correspondence by NTI indicating the compatibility of the basic switch and proposed remote. Based on this record, there is no indication that Contel's proposed RSS equipment cannot meet emergency requirements.

The protest is denied.



James F. Hinchman  
General Counsel